

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SIMPLY NATURAL FOODS, LLC,
QUENTIN REALTY LLC,
HEALTHY FOOD BRANDS LLC,

Plaintiffs,

v.

VERLAN FIRE INSURANCE COMPANY,

Defendant.

Civil Action No.: _____

Removed from:

Superior Court of New Jersey
Law Division - Middlesex County
Docket No.: MID-L-1010-19

NOTICE OF REMOVAL

TO: Clerk of the Court
United States District Court
District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street Room 4015
Newark, New Jersey 07101

Frank P. Winston, Esq.
LERNER, ARNOLD & WINSTON, LLP
475 Park Avenue South, 28th Floor
New York, New York 10016
(212) 686-4655
Attorney for Plaintiffs

PLEASE TAKE NOTICE THAT pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, Verlan Fire Insurance Company (“Verlan”), by its undersigned attorneys, Finazzo Cossolini O’Leary Meola & Hager, LLC, hereby removes the above-captioned civil action, and all claims and causes of action therein, from the Superior Court of New Jersey, Law Division, Middlesex County Courthouse, 56 Paterson St., New Brunswick, New Jersey, to the United States District Court for the District of New Jersey. The grounds for removal are as follows:

1. Plaintiffs commenced an action seeking damages from Verlan in the Superior Court of New Jersey, Law Division, Middlesex County, 56 Paterson St., New Brunswick, New Jersey, by filing a Complaint on or about January 29, 2019.

2. On February 5, 2019, the Commissioner of the New Jersey Department of Banking and Insurance (“Commissioner”) accepted original service of process on the Summons and Complaint on Verlan’s behalf. This was the first time proper service was achieved. A true and complete copy of the filed Summons and Complaint, along with the Correspondence Verlan received advising of the Commissioner’s acceptance of service on February 5, 2019 is attached hereto as Exhibit “A”.

3. Accordingly, this Notice of Removal is timely pursuant to 28 U.S.C. § 1446 because it is filed within 30 days after receipt by Verlan’s agent, through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based.

4. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Verlan pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action between citizens of different states and the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

5. According to the Complaint, Plaintiff Simply Natural Foods, LLC (“Simply Natural”) was and still is a foreign limited liability corporation organized and existing under and by virtue of the laws of the State of New York. See Pl.’s Compl., ¶ 1. Accordingly, Simply Natural is a citizen of the State of New York.

6. According to the Complaint, Plaintiff Quentin Realty LLC (“Quentin Realty”) was and still is a domestic limited liability corporation organized and existing under and by virtue of

the laws of the State of New Jersey. See Pl.'s Compl., ¶ 2. Accordingly, Quentin Realty is a citizen of the State of New Jersey.

7. According to the Complaint, Plaintiff Healthy Food Brands, LLC ("Healthy Foods") was and still is a foreign limited liability corporation organized and existing under and by virtue of the laws of the State of New York. See Pl.'s Compl., ¶4. Accordingly, Healthy Foods is a citizen of the State of New York.

8. Defendant Verlan is a corporation with its principal place of business in Worcester, Massachusetts and is incorporated in the State of New Hampshire. Verlan is therefore a citizen of the Commonwealth of Massachusetts and the State of New Hampshire.

9. Accordingly, there is complete diversity of citizenship between the parties, thereby satisfying the diversity of citizenship requirement of 28 U.S.C. § 1332.

10. While Plaintiffs' Complaint does not allege a sum certain of damages sought, upon information and belief, the damages sought by Plaintiffs in connection with the insurance claim that is the subject of this lawsuit exceeds the sum of \$75,000, exclusive of interest and costs, thereby satisfying the amount in controversy requirement of 28 U.S.C. § 1332.

11. Verlan will promptly serve a copy of this Notice of Removal on counsel for Plaintiffs, and will file a copy of this Notice of Removal with the Clerk of the Superior Court of New Jersey, Middlesex County, pursuant to 28 U.S.C. § 1446(d).

WHEREFORE, Verlan, under 28 U.S.C. §§ 1332, 1441 and 1446, removes this action in its entirety from the Superior Court of New Jersey, Middlesex County, to the United States District Court for the District of New Jersey.

Dated: March 1, 2019

**FINAZZO COSSOLINI O'LEARY
MEOLA & HAGER, LLC**

By: /s/ Jeremiah L. O'Leary
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Verlan Fire Insurance Company

CERTIFICATION PURSUANT TO L. CIV. R. 11.2

I certify that the subject matter now before this Court is not part of any other action pending in any Court or of any pending arbitration or administrative proceeding, except the Middlesex County Superior Court Law Division upon which this removal application is based (MID-L-1010-19).

Dated: March 1, 2019

**FINAZZO COSSOLINI O'LEARY
MEOLA & HAGER, LLC**

By: /s/ Jeremiah L. O'Leary
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Verlan Fire Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of March, 2019, I electronically filed the enclosed Notice of Removal and attached exhibits through the Court's CM/ECF filing system, and forwarded one copy of Defendant Verlan Fire Insurance Company's Notice of Removal, and attached exhibits, Fed. R. Civ. P. 7.1 Disclosure Statement and Certificate of Service, via Email and Regular Mail to the following counsel of record:

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New York, New York 10016
(212) 686-4655
Attorney for Plaintiffs

**FINAZZO COSSOLINI O'LEARY
MEOLA & HAGER, LLC**

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